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Of his work on the doctrines of accord and satisfaction the author, in his preface, says: "We have, it is thought, succeeded in giving a rational and consistent account of this subject from beginning to end." It is beyond doubt that in the main his work bears out his statement; but it appears to the reviewer that the author has failed to give due consideration to the distinction between an executory accord, looked upon as a contract in itself and as the basis of an action at law, and an executory accord looked upon as a satisfaction of the prior obligation and a bar to an action thereon by the creditor. It may well be that an action lies for failure to perform an executory accord, even though there remains a right of action on the original obligation. However, the author's account of the historical basis for the rule that an executory accord is no satisfaction is beyond criticism; and his description of the doctrine as one of "the two greatest mysteries of the common law," and as "a fossil that has come down to us from a previous legal formation" is very apt and interesting. In chapter xiii of volume two, the author sets forth in convincing fashion the doctrines of novation, establishing that "in its essence the novation is an executory accord, and the principle underlying it is at war with the hoary rule that the executory accord is invalid."

Volume three treats of the forms of action at common law. It is undoubtedly true that knowledge of these actions and of their history is necessary to an understanding of the substantive common law, and that in getting rid of these forms jurisprudence lost as well as gained. The author's discussion of the origin and scope of the various remedies at common law is entirely proper and satisfactory.

The entire work is written in a clear and entertaining style. The volumes are in dignified form, with good paper, good margins and legible, errorless type. The substance of each paragraph is indicated in notes printed on the margin. Volume three contains a table of some four thousand cited cases and a very full index. In his preface the author frankly exhibits a calm confidence that his work is original and well done. This confidence is justified.

A. L. C.

Elementos de Derecho Internacional Privado. Third edition. By Manuel Torres Campos. Madrid, 1906. Pages 549.

With what was contained in the first edition of this work, issued in 1893, has been incorporated much of what was in the subsequent treatise from the same pen, on the Foundations of Extraterritorial Legislation (*Bases de una Legislacion de Extraterritorialidad*, Madrid, 1896). The present edition omits much of the bibliography of the earlier ones and adds many references to the publications of the last ten years, including the doings of the four Hague Conferences for the Promotion of International Private Law, of which the author was a distinguished member.

His discussion of the choice to be made between personal and territorial law as the criterion of individual rights and duties is

especially interesting to Americans. Europe, he says, naturally adopted the former in its reaction against feudalism (page 91). The United States as naturally rejected it, because it was a country of immigrants (page 90). Emigration on a great scale, a universal phenomenon belonging only to modern society, has brought a new factor into the law of the world—the mobilization of the human race (page 92). Wherever a country receives large accessions of this sort it inclines to the supremacy of its own law; if it has few, it contends for that of the law governing the person. Thus Italy, with less than 60,000 foreign residents, but which has sent forth two millions of her people to live elsewhere, stands strongly for the latter (page 93). The Argentine Republic, on the other hand, in which the population of the chief city—Buenos Ayres—is more than half foreign, follows the United States in insisting on the former (page 94). The maxim for both nations, he declares, is “No one is a foreigner in America” (page 97).

The work of several of the Spanish and Spanish-American Congresses of jurists and economists, held in Spain in the last few years, is described, and shows the strong attachment still subsisting between Spain and her former American possessions. Such a “social and economic congress,” held at Madrid in 1906, under the auspices of the “Spanish-American Union,” voted to recommend the ratification of all the treatises of Montevideo (of 1888-9) in regard to matters affecting private international law, both by Spain and by all the Spanish-American states which had not already signified their adhesion (page 141). The ties of language, religion and history are often stronger than any that wars of independence can make or break.

Professor Torres Campos is of the opinion that there should be no real difficulty in the establishment of a uniform law for the world as to bills of exchange, since no subject can be freer from national prejudices, or from all bonds imposed by moral, religious, or social ideas, while none of the differences relating them in the present laws of the nations depend on reasons that can be called fundamental (pages 385, 386).

Whatever point the author discusses, he illumines by his clarity both of thought and expression. It is to be regretted that, like so many works of European jurists, the volume is without an index.

S. E. B.

The Elements of Jurisprudence. By Thomas Erskine Holland. Tenth edition, Oxford, 1906.

Holland's *Jurisprudence*, first published in 1880, marked a new phase in English legal literature. The success with which Prof. Holland then analyzed the theory and subject matter of law is quite sufficiently attested by the fact that since the first edition appeared his book has had no serious competitor in the distinctive field of formal scientific statement of the principles underlying modern law, and the classification of rights recognized in modern legal systems. That a tenth edition of a legal treatise which does not appeal directly to practitioners, has been called for in twenty-